

Memorandum



Date: May 19, 2011
To: Distribution
From: Earl Jones, Deputy Clerk
Subject: Resolutions

Attached are resolution Z-2-11 from the Board of County Commissioners meeting on April 28, 2011.

Please note that resolution Z-1-11 was distributed earlier.

Please note that resolution Z-3-11 will be distributed at a later date.

Any missing resolutions must be reported to this office (ext. 2129) no later than five (5) days from the date of this memo.

Attachments

Distribution: Agenda Coordinator's Office - MDC - 11th Floor
Clerk of the Board – Linda Cave, MDC -17th Floor ✓
Property Appraiser –Angela Hall, MDC - 8th Floor

CLERK OF THE BOARD
2011 MAY 19 AM 11:25
CLERK, CIRCUIT & COUNTY COURTS
DADE COUNTY, FLA.
#1

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-2-11

WHEREAS, **ASPIRA OF FLORIDA, INC.** applied for the following:

- (1) MODIFICATION of Conditions #2 and #7 of Resolution No. Z-7-07, passed and adopted by the Board of County Commissioners and reads as follows:

FROM: "2. That the use of the Property shall be established and maintained substantially in accordance with the plan submitted with the Application entitled "ASPIRA South Charter School" as prepared by Rolando Llanes, consisting of nine (9) sheets and dated stamped received on January 16, 2007, and special purpose survey as prepared by Odalys C. Bello, P.S.M., consisting of one (1) sheet and dated stamped received 12/15/06, as said plan may be modified at the public hearing on the Application (the "Plan").

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Aspira South Charter School," as prepared by Rolando Llanes consisting of eight (8) sheets and dated stamped received October 26, 2010."

FROM: "7. That the modular structure be removed from the property upon completion of the new two-story educational facility depicted in Phase II of the Plan, or prior to the beginning of the 2010-2011 school year, whichever occurs first."

TO: "7. That the modular structure shall be removed from the property upon completion of the new two-story educational facility, or prior to the beginning of the 2013-2014 school year, whichever occurs first."

- (2) MODIFICATION of Paragraphs #6 and #7 of a Declaration of Restrictions recorded in Official Record Book 25739, Pages 2913-2924 reading as follows:

FROM: "6. Phase I of the Charter School shall be limited to a maximum of 300 students, and shall not open earlier than January 2008. Phase II of the Charter School shall be limited to an additional 300 students, for a total of 600 students at the Charter School, and shall not open earlier than the beginning of the 2009-2010 school year.

TO: "6. Phase I of the Charter School shall be limited to a maximum of 400 students. . Phase II of the Charter School shall be limited to an additional 200 students, for a total of 600 students at the Charter School.

FROM: "7. The modular structure shall be removed from the property upon completion of the new two-story educational facility depicted in Phase II of the plan, or prior to the beginning of the 2010-2011 school year, whichever occurs first."

TO: "7. The modular structure shall be removed from the property upon completion of the new two-story educational facility depicted in Phase II of the plan, or prior to the beginning of the 2013-2014 school year, whichever occurs first."

The purpose of the above requests is to allow the applicant to submit a new site plan showing a relocation of one the of classroom buildings, to extend the time permitted for the use of the modular building and to increase the number of students permitted in Phase I of the Charter School.

- (3) Applicant is requesting to permit the existing cafetorium building setback 29'-0" from the interior side (north) property line, (50' required, 29'-4" previously approved).

The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

SUBJECT PROPERTY: SUBJECT PROPERTY: EXHIBIT "A": The west 425' of the east 725' of that portion of the north ½ of the NE ¼ of the SW ¼ of Section 2, Township 57 South, Range 39 East lying north of the right-of-way of State Road 579 (Biscayne Drive) as described in Quit Claim Deed No. 244 from Model Land Company dated May 26, 1943. LESS the north 35' thereof and less that portion described as follows: Begin 325' west and 35' south of the northeast corner of the SW ¼ of Section 2, Township 57 South, Range 39 East, thence run west 250', south 150'; thence east 250' and north 150' to the Point of beginning. A/K/A: Tract "A" of the PLAT OF FALCON MOTOR INN, Plat book 131, Page 32, plus the following:

A parcel of land being a portion of the north ½ of the NE ¼ of the SW ¼ of Section 2, Township 57 South, Range 39 East, lying N/ly of the N/ly right-of-way line of that portion of Biscayne Drive, F/K/A: State Road 579 according to Quit Claim Deed #244, dated May 26, 1943, Official Records Book 2294, Page 434, and S/ly of a line lying 35' S/ly, of as measured at right angles and parallel with the north line of said southwest ¼, said parcel being more particularly described by as follows:

Commence at the northeast corner of said SW ¼; thence S89°04'28"W along the north line of said SW ¼ for 300.01' to an intersection with a line being 300' W/ly of, as measured at right angles and parallel with the east line of said SW ¼; thence S0°24'17"E along said parallel line for 35' to an intersection with a line being 35' S/ly of, as measured at right angles and parallel with said north line, said parallel line being the existing S/ly right-of-way line of S.W. 288 Street, said intersection being the Point of beginning of the hereinafter described parcel of land; thence continue S0°24'17"E along said parallel line of the aforementioned east line for 539.89' to an intersection with the N/ly right-of-way line of said Biscayne Drive (F/K/A: State Road #579), said intersection being on the arc of a circular curve concave to the northeast and bearing S14°09'50"W from the center of said curve; thence NW/ly along said N/ly right-of-way line, along the arc of said curve having a radius of 1096.28' and a central angle of 1°16'49" for 24.49' to a non-tangential intersection with the east line of FALCON MOTOR INN, Plat book 131, Page 32, said east line

also being 325' W/ly of, as measured at right angles and parallel with the east line of said SW ¼, said intersection bearing S15°26'39"W from the center of said curve; thence N0°24'17"W along the east line of said plat of FALCON MOTOR INN for 383.24' to the northeast corner of said FALCON MOTOR INN; thence N0°55'32"W for 150' to an intersection with the aforementioned S/ly right-of-way line; thence N89°04'28"E along said S/ly right-of-way line for 25' to the point of beginning.

LOCATION: 13330 S.W. 288 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. That a site plan be submitted to and meet with the approval of the Director of the Department upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That the use of the Property shall be established and maintained substantially in accordance with the plan submitted with the Application entitled "ASPIRA South Charter School," as prepared by Rolando Llanes, consisting of eight (8) sheets and dated stamped received on October 26, 2010, as said plan may be further modified at the public hearing on the Application (the "Plan").
3. That the Charter School use shall be limited to kindergarten through eighth grades with six hundred (600) students.
4. That the Charter School shall have a minimum of two dismissal times, separated by a minimum of thirty (30) minutes, with a maximum of 400 students per shift. The last dismissal time will be no later than 3:30 p.m. The Owner shall provide written notice of any modifications to the arrival and departure times to the directors of the Planning and Zoning Department (the "Department") and the Public Works Department; said modifications shall be subject to the approval of the directors.
5. That a westbound left-turn bay shall be provided at the driveway entrance on SW 288th Street into the site in order to accommodate the entering school buses, at the expense of the Owner.
6. That Phase I of the Charter School shall be limited to a maximum of 400 students. Phase II of the Charter School shall be limited to an additional 200 students, for a total of 600 students at the Charter School.

7. That modular structure shall be removed from the Property upon completion of the new two-story educational facility depicted in Phase II of the Plan, or prior to the beginning of the 2013-2014 school year, whichever occurs first.
8. That the County shall design and install the flashing signals and implement school speed zones required along the surrounding roadways. Upon the installation of the flashing signals, the Owner shall reimburse the County for the expenses and costs related to the design and installation of said improvement.
9. That signage for the charter school comply with the Zoning Code regulations, not to exceed one sign of a maximum of 24 square feet in area.
10. That the Charter School shall provide on the Property a bike rack or other means of storage that can secure a minimum of 8 bicycles.
11. That the Owner shall submit to the Department for its review and approval a landscaping plan that indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.
12. That the Owner shall obtain a Certificate of Use from (and promptly renew the same annually with) the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
13. That the Charter School shall comply with water use efficiency techniques for indoor water use in accordance with Section 8-31, 32-84, and 8A-381 of the Code of Miami-Dade County. In addition the Charter School shall comply with the landscape standards in Sections 18-A and 18-B of the Miami-Dade County Code.
14. That no outside loudspeakers shall be permitted on the Property.
15. That the Applicant shall supply the Charter School staff to direct any vehicles that might stack in the through lanes or non-designated parking areas in the public rights-of-way onto the Property. Access to onsite loading facilities shall be open a minimum of 45 minutes prior to all arrival and dismissal times.
16. That the waste pick-up for the Charter School shall be performed by a private commercial entity and shall be limited to pick-up between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except during arrival and dismissal times.
17. That if the Charter School is constructed but fails to begin operation and/or the Charter School fails after establishment, the Owner, within thirty-six (36) months of the Charter School's failure to begin operation or closure, shall:
 - a) Cause the Charter School to be in full compliance with all zoning regulations applicable to the Property allowing a use other than the charter school use, or

- b) Transfer the operation of the Charter School to another charter school operator or to the Miami-Dade county School Board, after securing the necessary approvals from the Miami-Dade County School Board, or
- c) Convert the Charter School to a permitted use within the zoning district applicable to the Property, provided said use has first been authorized through the issuance of the appropriate permits from the Department, or
- d) Secure necessary public hearing approvals to convert the Charter School to a use not otherwise permitted within the zoning district applicable to the Property.

18. That in addition to the foregoing provisions, the Owner shall comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various departments, as contained in the departmental memoranda as set forth in the Developmental Impact Committee Recommendation to the Board of County Commissioners, dated September 1, 2010, and those conditions agreed to at the Developmental Impact Committee Executive Council meeting held on September 1, 2010, all of which are part of the record for the Application and incorporated herein by reference. It is provided, however, that to the extent any conditions agreed to at the DIC Meeting, as reflected herein, differ from the memoranda, the conditions agreed to at the DIC Meeting and the provisions herein shall govern the development and use of the Property.

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter and to the recommendation of the Developmental Impact Committee, it is the opinion of this Board that the requested modifications of Conditions #2 and #7 of Resolution No. Z-7-07, passed and adopted by the Board of County Commissioners (Items #1) and of Paragraphs #6 and #7 of a Declaration of Restrictions recorded in Official Record Book 25739, Pages 2913-2924 (Item #2) and the request to permit the existing cafetorium building setback 29'-0" from the interior side (north) property line (Item #3) would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure

Ordinance and would be consistent with the Comprehensive Development Master Plan, and that the proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to accept the proffered Declaration of Restrictions and to approve Items #1, 2, and 3 was offered by Dennis C. Moss, seconded by Commissioner Sally

A. Heyman, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Barbara J. Jordan	absent
Lynda Bell	aye	Jean Monestime	aye
Jose "Pepe" Diaz	absent	Dennis C. Moss	aye
Audrey M. Edmonson	absent	Rebecca Sosa	absent
Sally A. Heyman	aye	Sen. Javier D. Souto	aye

Joe A. Martinez aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the requested modifications of Conditions #2 and #7 of Resolution No. Z-7-07, passed and adopted by the Board of County Commissioners (Items #1) and of Paragraphs #6 and #7 of a Declaration of Restrictions recorded in Official Record Book 25739, Pages 2913-2924 (Item #2) and the request to permit the existing cafetorium building setback 29'-0" from the interior side (north) property line (Item #3) be and the same are hereby approved, subject to the following conditions:

1. That all the conditions of Resolution #Z-7-07 remain in full force and effect except as herein modified.
2. That the applicant obtain a Certificate of Use (CU) from and promptly renew the same annually with the Department of Planning and Zoning upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
3. That at time of yearly renewal of Certificate of Use, the applicant shall submit to the Department of Planning and Zoning a letter from the principal of the school detailing the number of students and the grade levels that are currently enrolled in said facility.

BE IT FURTHER RESOLVED that the requested modification of Conditions #2 and #7 of Resolution No. Z-7-07, passed and adopted by the Board of County Commissioners (Items #1), shall read as follows:

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Aspira South Charter School," as prepared by Rolando Llanes consisting of eight (8) sheets and dated stamped received October 26, 2010.
7. That the modular structure shall be removed from the property upon completion of the new two-story educational facility, or prior to the beginning of the 2013-2014 school year, whichever occurs first.

BE IT FURTHER RESOLVED that the requested modification of Paragraphs #6 and #7 of a Declaration of Restrictions recorded in Official Record Book 25739, Pages 2913-2924 (Item #2), shall read as follows:

6. Phase I of the Charter School shall be limited to a maximum of 400 students. Phase II of the Charter School shall be limited to an additional 200 students, for a total of 600 students at the Charter School.
7. The modular structure shall be removed from the property upon completion of the new two-story educational facility depicted in Phase II of the plan, or prior to the beginning of the 2013-2014 school year, whichever occurs first.

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 28th day of April, 2011, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 11-3-CC-3
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By DIANE COLLINS
Deputy Clerk

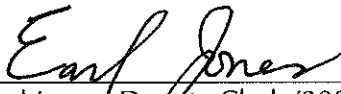
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 19TH DAY OF MAY, 2011.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-2-11 adopted by said Board of County Commissioners at its meeting held on the 28th day of April, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 19th day of May, 2011.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL

